EAST INDIA (POST OFFICE ACT, 1898).

PAPERS

REFERRING TO

AMENDMENTS IN THE LAW

RELATING TO THE

POST OFFICE IN INDIA.

Presented to both Houses of Parliament by Command of Her Majesty.

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on 24 February, 2020

EXTRACTS FROM THE INDIAN POST OFFICE ACT, 1898.

(Chapter V.—Conditions of Transmission of Postal Articles.—Sections 19–25.)

Transmission by post of anything injurious prohibited.

19. (1) Except as otherwise provided by rule and subject to such conditions as may be prescribed thereby, no person shall send by post any explosive, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure postal articles in course of transmission by post or any officer of the Post Office.

(2) No person shall send by post any article or thing which is likely to injure postal articles in course of transmission by post or any officer of the Post Office.

Transmission by post of anything indecent, etc., prohibited.

20. No person shall send by post—

(*a*) any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card or any other indecent or obscene article, or

(*b*) any postal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character.

Power to make rules as to transmission by post of postal articles.

21. (1) The Governor-General in Council may make rules as to the transmission by post of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) provide for the granting receipts for, and the granting and obtaining certificates of posting and delivery of, postal articles, and the sums to be paid, in addition to any other postage, for such receipts and certificates ; and

(*b*) regulate covers, form, dimensions, maximum weight and enclosures, and the use of postal articles, other than letters, for making communications.

(3) Postal articles shall be posted and delivered at such times and in such manner as the Director-General may, by order, from time to time appoint.

Power to postpone despatch or delivery of certain postal articles.

22. (1) Where the despatch or delivery from a post office of letters would be delayed by the despatch or delivery therefrom at the same time of book, pattern or sample packets and parcels, or any of them, such packets or parcels, or any of them, may, subject to such rules as the Governor-General in Council may make in this behalf, be detained in the Post Office so long as may be necessary.

(2) Where separate parcel posts are established, parcels may be forwarded and conveyed by them, being detained, if necessary, in the Post Office for that purpose.

Power to deal with postal articles posted in contravention of Act.

23. (1) Any postal article sent by post in contravention of any of the provisions of this Act may be detained and either returned to the sender or forwarded to destination, in each case charged with such additional postage (if any) as the Governor-General in Council may, by rule, direct.

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(2) Any officer in charge of a post office or authorised by the Postmaster-General in this behalf may open or unfasten any newspaper or any book, pattern or sample packet, in course of transmission by post, which he suspects to have been sent by post in contravention of section 21 or of any of the provisions of this Act relating to postage.

(3) Notwithstanding anything in sub-section (1),—

(*a*) any postal article sent by post in contravention of the provisions of section 19 may, under the authority of the Postmaster-General, if necessary, be opened and destroyed ; and

(*b*) any postal article sent by post in contravention of the provisions of section 20 may, under the authority of the Postmaster-General, be destroyed.

Power to deal with postal articles containing goods contraband or liable to duty.

24. Where a postal article, suspected to contain any contraband goods or anything liable to duty, is received for delivery at a post office, the officer in charge of the post office shall send a notice in writing to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office, and shall in the presence of the addressee or his agent, or if the addressee or his agent fails to attend as aforesaid, then in his absence, open and examine the postal article :

Provided, first, that, if the Director-General so directs in the case of any post office or class of post offices, the officer in charge of the post office shall call in two respectable persons as witnesses before he opens a postal article in the absence of the addressee or his agent :

Provided, secondly, that in all cases a postal article, after being opened under this section, shall be delivered to the addressee, unless it is required for the purpose of any further proceeding under this or any other law or enactment for the time being in force, and that the opening of the postal article and the circumstances connected therewith shall be immediately reported to the Postmaster-General :

Provided, thirdly, that nothing in this section shall prevent the detention of parcels, received by post from any place beyond the limits of British India, at the Customs port or other place at which they are received, and the opening of parcels so received by the Customs authorities for the purpose of levying any duty of customs.

Power to intercept notified goods during transmission by post.

25. Where a notification has been published under section 19 of the Sea Customs Act, 1878, in respect of any goods of any specified description, any officer of the Post Office empowered in this behalf by the Governor-General in Council may search, or cause search to be made, for any such goods in course of transmission by post, and shall deliver all such goods found to such officer as the Governor-General in Council may appoint in this behalf, and such goods may be disposed of in such manner as the Governor-General in Council may direct.

Power to intercept postal articles for public good.

26. (1) On the occurrence of any public emergency, or in the interest of the public safety or tranquillity, the Governor-General in Council, or a Local Government, or any officer specially authorised in this behalf by the Governor-General in Council, may, by order in writing, direct that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained, or shall be delivered to the Government or to an officer thereof mentioned in the order, to be disposed of in such manner as the Governor-General in Council may direct.

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(2) If any doubt arises as to the existence of a public emergency, or as to whether any act done under sub-section (1) was in the interest of the public safety or tranquillity, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive proof on the point.

* * * * * *

61. (1) Whoever, in contravention of the provisions of section 19 or section 20, sends, or tenders or makes over in order to be sent, by post any postal article or any thing, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for contravention of section 19 or 20.

(2) The detention in the Post Office of any postal article on the ground of its having been sent in contravention of the provisions of section 19 or section 20, shall not exempt the sender from any proceedings which might have been taken if the postal article had been delivered in due course of post.

India Office,
London, May 17th, 1898.

Legislative,
No. 15.

To His Excellency The Right Honourable the Governor-General of India in Council.

My Lord,

I have to acknowledge the receipt of your Excellency's despatch, No. 9, dated the 24th of March, 1898, transmitting an authentic copy of the law noted in the margin, which has been passed by the Council of the Governor-General for making laws and regulations, and to which your Excellency has signified your assent.

The Indian Post Office Act, 1898.

2. I have to inform you that I have considered the Act in Council, and that it will be left to its operation.